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CLARK COUNTY  
WASHINGTON

## BOARD OF CLARK COUNTY COMMISSIONERS

Craig A. Pridemore • Betty Sue Morris • Judie Stanton

April 2, 2004

Stanley Speaks  
Northwest Regional Director  
U.S. Department of Interior  
Bureau of Indian Affairs  
911 NE 11<sup>th</sup> Ave.  
Portland, OR 97232-4169

Dear Mr. Speaks:

Thank you for the opportunity to comment on the application for 151.87 acres to be held in trust for the Cowlitz Tribe to use for a casino in the unincorporated area of Clark County, near La Center, Washington.

This letter and its attachments will respond to your letter received March 12, 2004 and referenced as Certified #7002 2030 0005 8314 7521. In addition, we will respond herein to your letter regarding a proposed "initial reservation" proclamation, received March 12, 2004 and referenced as Certified #7002 2030 0005 8314 7552.

Before answering specific questions you raised, we will offer some overarching comments, to establish the context for the more isolated particulars concerning the property in question.

The La Center interchange, where this property is located, is a strategic resource of inestimable value not only to Clark County but also to the Portland-Vancouver metropolitan area as a whole. Situated on Interstate 5, the economic lifeline of the West Coast, this area holds great promise for planning that encompasses federal, state, and local objectives concerning land use, transportation, capital facilities, commerce, and economic development.

The proposed use as a casino is not consistent with any of the plans or policies currently adopted or contemplated to guide growth at the interchange. At present, the land is zoned for rural and agricultural uses. However, it is designated ultimately for industrial uses in the county's 20-year comprehensive land use plan developed pursuant to the Washington State Growth Management Act.

As "industrial reserve," the land in question represents an opportunity to pursue the regional vision of improving both the number and quality of jobs in Southwest Washington, to promote economic stability for our residents and communities through employment centers. These centers may require sites suitable for master planning, campus-style developments, and business clusters on or near the I-5 corridor.

While we acknowledge that the tribe has not announced a final decision on the use of the property if taken into trust, it is clear that a casino is planned under the latest trust application. Our concern about the proposal to convert much of the interchange area to the commercial uses exemplified by a casino is threefold. First, taking the land into trust for a casino would eliminate the potential for development at the interchange to remain in harmony with state and local planning. Second, a casino would represent a premature conversion of rural and agricultural land to large-scale commercial uses that are out of keeping with the surrounding area. Third, such development in the long run will greatly compromise efforts to alleviate the acute shortage of family-wage jobs in the northern reaches of the county, by emphasizing jobs more typical of retail and service industries.

You will note that we are refraining from commenting on specific environmental impacts at this time. This is because we are expecting the BIA to release an environmental assessment on this project and to set a separate comment period of at least 30 days for any interested parties to comment on the assessment. Our expectation is based on discussions with BIA staff. If our understanding is incorrect, please advise us as soon as possible as to the timetable and procedure for addressing environmental impacts.

To elaborate on the effects of any large tribal development, we refer you to our submittal of April 23, 2002 (attached hereto), in which we addressed the challenge posed by the tribe's original trust application. We have attempted to mitigate local impacts through a recent memorandum of understanding between the county and the tribe, but the opportunity for a more compatible transition at the interchange would be lost forever if the land in trust becomes the site of a casino and related enterprises.

The sharp differences between county planning and what now appears to be the tribal plan for the interchange underscore the need for a thorough analysis of the potential impacts on the surrounding community, to be conducted and presented in a manner that is clear and open to the public. We therefore object to the proposal to declare the Clark County site an "initial reservation" for the sole purpose of denying the State of Washington an opportunity for the Governor to evaluate community impacts.

We appreciate the tribe's voluntary effort to respect local standards, pay for services that may be required, and "give back" to the community. However, we developed the memorandum of understanding in an atmosphere of significant uncertainty amid no small measure of frustration. While it was only prudent to address the potential for a casino, the officially undecided nature of the proposed use compelled us also to consider the possibility that the tribe might sponsor development in concert with the county's framework for land use planning and economic development.

During this very public, lengthy, and contentious process, we were repeatedly beseeched to address the local impacts of a casino. We took pains to explain that we have no authority to approve or deny a casino on trust land. As a matter of record, however, Clark County neither by zoning or by ordinance allows casinos or even public card rooms in unincorporated areas.

The initial application was for the land to be taken into trust, not to establish a reservation that would be exempt from the Governor's review in the event that a proposal for a casino should materialize. In our view, our overriding responsibility has been to prepare for what might occur if a forthcoming application was approved to take the land into trust. It was not until March 12, 2004 that we received notice that the new application was requesting "initial reservation" status.

In the absence of an application for reservation status, it was our understanding that the Governor would have a central role in determining whether it would be appropriate to establish a casino on land recently placed in trust. Indeed, the BIA appears to have treated the initial request as a CFR 151.11 off-reservation acquisition.

Throughout our discussions surrounding the county's agreement with the tribe, county representatives provided information to citizens and accepted public comment. This process made it abundantly clear that the county could not conduct a forum to consider the prospect of a casino. We believe the forum for that discussion should be in accordance with CFR 151.11 for an off-reservation acquisition.

It is important to note that 25 USC 2719 requires the Secretary to consult with the tribe, appropriate state and local officials, and officials of nearby tribes to determine that a casino would be in the best interest of the tribe and its members and would not be detrimental to the surrounding community, but only if the Governor concurs. By changing the application to request initial reservation status, it appears that the Governor's concurrence is being eliminated. Therefore, we request that the BIA treat the fee-to-trust application in accordance with the initial application, which did not request a proclamation of reservation status.

As a final note on the reservation question, it appears that a reservation proclamation would surely hasten and could also accentuate the impact of severing the interchange area from the planning and development requirements that apply to the rest of Clark County. If the reservation status peremptorily eliminates the Governor's opportunity to consider local impacts, the county will be hard-pressed to address the effects of potential expansion of the reservation and tribal enterprises located there. At a minimum, the potential for expansion, beyond the scope of our agreement, brings with it the potential need for millions of dollars worth of road improvements, with the prospect for funding uncertain at best.

To further the public interest in an open forum concerning casinos, we are forwarding the names of those who commented on our proposed agreement with the tribe following the release of a draft on July 30, 2003. Our purpose in identifying these many stakeholders is to respectfully request that you consider local concerns that individual citizens and community organizations may submit to the BIA in connection with the trust application. We would note that many more people have contacted us during the last two years to inquire about this situation or to make comments not directly related to the agreement.

Many aspects of these discussions could not be addressed at the local level. The economic impact on the City of La Center is a serious matter that has yet to be addressed, for example. We understand that city officials have declined to discuss the potential for a

separate agreement with the tribe. Nevertheless, we believe local input should be taken into account, regardless of how the applications for trust and reservation status are handled. In the same vein, we would like to request a 30-day extension to your comment period, to allow a full response to the latest applications.

We turn now to your specific questions.

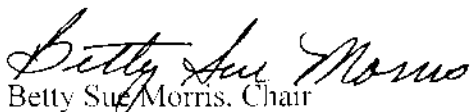
Annual property taxes currently levied on the property are \$9,946.04. Special assessments total \$132.20. Four of the nine parcels are receiving tax benefits under the agricultural "current use" program. Without the benefit of "current use," property taxes would be \$19,556.80 for all nine parcels. If the four "current use" parcels are converted from agricultural to other uses, there will be a compensating tax of about \$104,000. At this time it is not clear how the sellers and the tribe intend to address that issue.

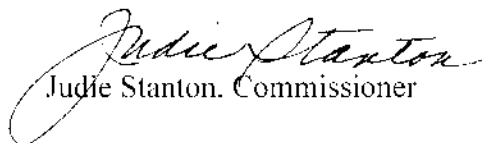
Additional details are shown in Attachment #3 ("Details of Tax Levies and Special Assessments"). In the same attachment, you will see the taxing jurisdictions and providers of public services, including roads, law enforcement, fire protection, schools, mosquito control, libraries, economic development (Port), and the regional services generally afforded by the county.

Zoning, as previously noted, is rural and agricultural, with a long-term designation of "industrial reserve."

Please let us know if you have questions or need additional information, by contacting our office at (360) 397-2232. We look forward to your response and conclusions.

Sincerely,

  
Betty Sue Morris, Chair

  
Judie Stanton, Commissioner

  
Craig A. Pridemore, Commissioner

BOCC/mk

Enclosures

c: John Barnett, Cowlitz Indian Tribe  
Washington Governor Gary Locke  
Washington State Gambling Commission  
U. S. Senator Patty Murray  
U.S. Senator Maria Cantwell  
Congressman Brian Baird  
Curt Wyrick, Clark County Prosecuting Attorney's Office